

P-2448, 170, Consumers Energy Company  
 P-2450, 145, Consumers Energy Company  
 P-2451, 143, Consumers Energy Company  
 P-2452, 150, Consumers Energy Company  
 P-2453, 172, Consumers Energy Company  
 P-2580, 200, Consumers Energy Company  
 P-2599, 164, Consumers Energy Company

H-6.

Omitted

#### Energy Projects—Certificates

C-1.

Docket# CP02-37, 000, Williston Basin  
 Interstate Pipeline Company

Other#s CP02-37, 002, Williston Basin  
 Interstate Pipeline Company

CP02-37, 003, Williston Basin Interstate  
 Pipeline Company

C-2.

Docket# CP03-1, 000, El Paso Natural Gas  
 Company

C-3.

Docket# CP03-99, 000, Norteno Pipeline  
 Company and OKTex Pipeline Company

C-4.

Docket# CP02-420, 000, Red Lake Gas  
 Storage, L.P.

Other#s CP02-420, 001, Red Lake Gas  
 Storage, L.P.

CP02-421, 000, Red Lake Gas Storage, L.P.

CP02-421, 001, Red Lake Gas Storage, L.P.

CP02-422, 000, Red Lake Gas Storage, L.P.

CP02-422, 001, Red Lake Gas Storage, L.P.

C-5.

Docket# CP02-434, 000, ANR Pipeline  
 Company

C-6.

Docket# CP03-30, 000, BP West Coast  
 Products LLC, Atlantic Richfield  
 Company and Intalco Aluminum  
 Corporation

C-7.

Docket# CP02-387, 001, Petal Gas Storage,  
 L.L.C.

C-8.

Docket# CP01-36, 001, Zia Natural Gas  
 Company, an Operating Division of  
 Natural Gas Processing Company

Other#s CP01-52, 001, Raton Gas  
 Transmission Company

CP01-382, 001, Zia Natural Gas Company,  
 an Operating Division of Natural Gas  
 Processing Company

CP01-383, 001, Raton Gas Transmission  
 Company

C-9.

Docket# CP02-90, 000, AES Ocean Express  
 LLC

Other#s CP02-90, 001, AES Ocean Express  
 LLC

CP02-91, 000, AES Ocean Express LLC

CP02-92, 000, AES Ocean Express LLC

CP02-93, 000, AES Ocean Express LLC

CP02-93, 001, AES Ocean Express LLC

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-13823 Filed 5-29-03; 11:35 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

### Regulations Governing Off-the-Record Communications; Public Notice

May 23, 2003.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record

communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of prohibited and exempt communications recently received in the Office of the Secretary. The communications listed are grouped by docket numbers. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding

the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

#### Prohibited

*Docket No., Date Filed, and Presenter or Requester*

1. Project No. 2342-000, 5-22-03, James Nolan

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. 03-13620 Filed 5-30-03; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[OECA-2003-0039; FRL-7506-5]

### Agency Information Collection Activities; Submission for OMB Review and Approval; Comment Request; NSPS for Nonmetallic Mineral Processing

**AGENCY:** Environmental Protection  
 Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NSPS for Nonmetallic Mineral Processing (40 CFR part 60, subpart OOO) OMB Control Number 2060-0050, EPA ICR Number 1084.07 The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

**DATES:** Additional comments may be submitted on or before July 2, 2003.

**ADDRESSES:** Follow the detailed instructions under **SUPPLEMENTARY INFORMATION.**

#### FOR FURTHER INFORMATION CONTACT:

Gregory Fried, Compliance Assessment and Media Programs Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564-7016; fax number: (202) 564-0050; E-mail address: [fried.gregory@epa.gov](mailto:fried.gregory@epa.gov).

#### SUPPLEMENTARY INFORMATION:

EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed

in 5 CFR 1320.12. On September 26, 2002 (67 FR 60672), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID Number OECA-2003-0039, which is available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket and Information Center Docket is: (202) 566-1514. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice, and according to the following detailed instructions: (1) Submit your comments to EPA online using EDOCKET (our preferred method), by E-mail to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code: 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) mail your comments to OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

EPA's policy is that public comment, whether submitted electronically or on paper, will be available for public viewing in EDOCKET, as EPA receives them without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment placed in EDOCKET. The entire printed comment, including copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or

whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

**Title:** NSPS for Nonmetallic Mineral Processing (40 CFR part 60, subpart OOO), (OMB Control Number 2060-0050, EPA ICR Number 1084.07). This is a request to renew an existing, approved collection that is scheduled to expire on June 30, 2003. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB.

**Abstract:** The Administrator has judged that PM emissions from nonmetallic mineral processing plants cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. This standard applies to owners or operators of new, modified, or reconstructed facilities at nonmetallic mineral processing plants that commenced construction, modification, or reconstruction after August 1, 1985. Nonmetallic mineral processing includes the following affected facilities: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. This standard does not apply to facilities located in underground mines; stand-alone screening operations; operations that only involve recycled asphalt; fixed sand gravel, or crushed stone plants with capacities of 25 tons per hour or less; portable sand, gravel, or crushed stone plants with capacities of 150 tons per hour or less; common clay or pumice plants with capacities of 10 tons per hour or less. Additionally, when an existing facility is replaced by a piece of equipment of equal or smaller size it is not subject to the standard until all facilities in a production line are replaced. Affected facilities in the plant process that are subject to 40 CFR part 60, subpart F, for Portland Cement NSPS, or subpart I, Asphalt Concrete Plants NSPS, are not subject to this NSPS.

Respondents must submit the following one-time-only reports: notification of the date of construction or reconstruction, notification of the actual date of initial startup, notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate, notification of demonstration of the

continuous emission monitor system (CMS) where the CMS is required (wet scrubber), notification of the date of the initial performance test, and the results of the initial performance test. Wet mining/screening operations are exempt from all requirements of the regulation, except an initial report and record describing the location of these operations. The general provision requirement to submit a notification of the anticipated date of initial startup is being waived for respondents subject to this standard. The required notifications are used to inform the Agency or delegated authority when a source becomes subject to the standard.

Respondents are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Owners or operators of facilities using a wet scrubber must record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate and submit semiannual reports for occurrences when the measurements of the scrubber pressure loss (or gain) and liquid flow rate differ by more than +/-30 percent from the average determined during the most recent performance test. All records shall be retained for at least two years. The information collected from recordkeeping and reporting requirements is necessary to ensure compliance with these standards, as required by section 114(a) of the Clean Air Act.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 5.6 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and

requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:*

Nonmetallic Mineral Processing Plants.

*Estimated Number of Respondents:*

3,825.

*Frequency of Response:* Initial.

*Estimated Total Annual Hour Burden:* 31,026 hours.

*Estimated Total Capital and Operations & Maintenance (O & M) Annual Costs:* 0.

*Changes in the Estimates:* There is a decrease of 720 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is due to correction of a mathematical error regarding the total number of respondents in the most recently approved ICR, in spite of a small increase in sources.

Dated: May 13, 2003.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 03-13716 Filed 5-30-03; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7506-4]

### Proposed Settlement, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree that the United States Environmental Protection Agency ("EPA") lodged with the United States District Court for the Northern District of California on May 14, 2003 to address a lawsuit filed by Medical Advocates for Healthy Air, Sierra Club and Latino Issues Forum. *Medical Advocates for Healthy Air et. al. v. Whitman*, Case No. C-02-5102 CRB(N.D. Cal.). This lawsuit was filed pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a).

**DATES:** Written comments on the proposed consent decree must be received by July 2, 2003.

**ADDRESSES:** Written comments should be sent to Jan Taradash, Office of Regional Counsel, U.S. Environmental Protection Agency Region 9, 75

Hawthorne Street, San Francisco, CA 94105. Copies of the proposed consent decree are available from Jan Taber, (415) 972-3900.

**SUPPLEMENTARY INFORMATION:** This lawsuit concerns EPA's alleged failure to perform certain nondiscretionary duties under the CAA. The consent decree provides that: (1) the Administrator of EPA or her delegatee shall sign no later than March 31, 2004, a notice for publication in the **Federal Register** proposing a federal implementation plan ("FIP") to implement the requirements of section 189(b)(1)(B) of the Act, 42 U.S.C. 7513a(b)(1)(B), for the San Joaquin Valley PM-10 nonattainment area; and (2) the Administrator or her delegatee shall sign no later than July 31, 2004, a notice for publication in the **Federal Register** taking final action to adopt a FIP to implement the requirements of that section for the San Joaquin Valley. Section 189(b)(1)(B) provides that plans for serious PM-10 nonattainment areas must include provisions to assure the implementation of best available control measures. The consent decree also provides that EPA's obligation to promulgate the FIP shall be relieved as to any portions of the plan for which the Administrator or her delegatee signs a notice of final rulemaking by July 31, 2004 approving state implementation plan ("SIP") revisions for the San Joaquin Valley pursuant to Clean Air Act sections 110(k)(3) and 189(b)(1)(B), 42 U.S.C. 7410(k)(3), 7513a(b)(1)(B).

For a period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed consent decree from persons who were not named as parties to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed consent decree if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, following the comment period, that consent is inappropriate, the final consent decree will then be executed by the parties.

Dated: May 22, 2003.

**Lisa K. Friedman,**

*Associate General Counsel, Air and Radiation Law Office.*

[FR Doc. 03-13717 Filed 5-30-03; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[LA-68-1-7599; FRL-7506-3]

### Adequacy Status of Submitted State Implementation Plans (SIP) for Transportation Conformity Purposes: MOBILE6 Motor Vehicle Emissions Budgets for the Baton Rouge 1-Hour Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found the on-road motor vehicle emissions budget contained in the revision to the Baton Rouge serious ozone nonattainment area attainment demonstration SIP adequate for transportation conformity purposes. As a result of our finding, the budgets from the submitted attainment demonstration SIP revision must be used for future conformity determinations in the Baton Rouge area.

**DATES:** These budgets are effective June 17, 2003.

**FOR FURTHER INFORMATION CONTACT:** The essential information in this notice will be available at EPA's conformity Web site: <http://www.epa.gov/oms/transp/conform/adequacy.htm>. You may also contact Ms. Peggy Wade, Air Planning Section (6PD-L), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7247, Email address: [Wade.Peggy@epa.gov](mailto:Wade.Peggy@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document "we," "us," and "our" refers to EPA. The word "budget(s)" refers to the mobile source emissions budget for volatile organic compounds (VOCs) and the mobile source emissions budget for nitrogen oxides (NO<sub>x</sub>). The word "SIP" in this document refers to the State Implementation Plan revision submitted to satisfy the commitment of the State of Louisiana to revise its mobile source budgets for the Baton Rouge ozone nonattainment area with MOBILE6. (MOBILE6 is the most recent emissions factor model, released by EPA on January 29, 2001.)

On January 21, 2003, we received the MOBILE6 SIP revision for the Baton Rouge 5-Parish ozone nonattainment area. There are two motor vehicle emissions budgets found in this plan for 2005. The emissions budget for VOCs is 18.82 tons/day; the NO<sub>x</sub> emissions budget is 30.00 tons/day. On January 31, 2003, the availability of these budgets was posted on EPA's Web site for the purpose of soliciting public comments.